



128 DORRANCE STREET, SUITE 220
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org

**COMMENTS IN SUPPORT OF 16-S 2168 – SCHOOL COMMITTEES AND
SUPERINTENDENTS
March 9, 2016**

The ACLU of Rhode Island appreciates the strong support of this committee, and the Senate as a whole, in limiting the use of out-of-school suspensions in Rhode Island's schools. This legislation mirrors that overwhelmingly approved by both the House and Senate during the 2015 legislative session. Swift approval by this committee of this legislation will ensure that this legislation, and Rhode Island's students, do not again become a casualty of the final day of the legislative session.

For the past several years, data collected by the Rhode Island Department of Education has consistently demonstrated that suspensions are disproportionately levied against those students who are already facing the largest hurdles, including students of color and students with disabilities; the 2014-2015 school year was unfortunately no exception. In the ACLU's recent analysis of this data, "Oversuspended and Underserved: Rhode Island's School Suspension Disparities for the 2014-2015 School Year," some alarming figures stood out:

- Rhode Island's students lost more than 25,000 school days to 12,682 suspensions last year. More than 1,000 elementary school students were suspended, including 75 kindergartners.
- Despite a nationwide consensus that suspensions should be reserved to address only the most serious behavior, more than half of all suspensions (53%) were for "Disorderly Conduct" or "Insubordination/Disrespect" alone.
- Black elementary students remained nearly six times more likely than their white peers to be suspended from school, while Hispanic children were more than three and a half times more likely than white children to be suspended.
- Despite widespread understanding of the particular behavioral needs of students with disabilities, elementary school children with IEPs were more than three times more likely than children without IEPs to be suspended. High school students with IEPs were suspended at rates more than twice as high as expected given their representation in the high school population - the highest disparity in a decade.
- Among the youngest and most vulnerable students, suspensions for vague and minor behavioral issues reign supreme. More than 40% of suspensions served by elementary school students were for "Insubordination/Disrespect" or "Disorderly Conduct." More than two-thirds of the suspensions levied against

high school students with IEPs were for low-risk “subjective” offenses - exactly the punishment the student’s IEP is supposed to help them avoid.

Students who are suspended from school are significantly more likely to become involved in the juvenile justice system, either because of the behaviors they engage in when they are excluded from school, or because of the increasing referral of unruly students to school resource officers or other law enforcement personnel. Instead of being kept in the classroom and redirected toward learning about math, science, and history, these youth are housed at the Training School (at significant financial cost to the state), and are taught a set of new skills by the harder youth with whom they are now lumped in. Even if they do not find themselves at the Training School, students who receive out-of-school suspensions are up to ten times as likely as other students to drop out of school or repeat a grade, and can consequently be burdened with the low-income status, inferior health, and lower life expectancy a high-school dropout can generally expect. Contrary to their stated purpose, suspensions do not correct behavior, but instead are associated with higher rates of misbehavior and lower academic achievement, not only for the suspended student, but also for the other students at their school.

There are some circumstances in which suspension is necessary and appropriate, as when a child poses a physical risk or serious disruption to those around them and cannot be controlled by other means. Of the more than 12,600 suspensions that were doled out during the last school year, some were undoubtedly for behavior that crossed that threshold. S 2168 ensures that students who engage in such behavior still be excluded when necessary. At the same time, students should not be suspended – and burdened with a lifetime of serious consequences - simply because they talked back to a teacher on a bad day, because they were tired of being bullied, or because they behaved in the frustrating ways children often can. This legislation preserves schools’ ability to remove students who place others at risk, but also removes out-of-school suspension as a knee-jerk option that is often viewed as the only possible form of discipline. With these efforts, schools will be required to look critically at the policies and procedures resulting in suspensions, and find ways to improve upon the education of every child in Rhode Island.

The ACLU respectfully encourages swift passage of S 2168.